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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

STEPHEN FARRUGGIO,  <i>Plaintiff,</i>  vs.  KRAFT HEINZ FOODS COMPANY, JOHN DOES 1-10, JANE DOES 1-10 and THE DOE LEGAL ENTITY 1-10,  <i>Defendant(s)</i>	CASE NUMBER: 6:22-CV-429 (GLS/ML)   COMPLAINT AND JURY DEMAND
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**I. JURISDICTION AND VENUE**

1. This is a civil case involving a claim for damages for personal injuries, in excess of \$75,000, brought pursuant to 28 U.S.C. §1332, on the ground of diversity of citizenship as between plaintiff and defendants.

**II. PARTIES**

2. Plaintiff Stephen Farruggio, resides at 1 Meadow Lane, Kinnelon, NJ 07405.

3. Defendant Kraft Heinz Foods Company is a Delaware Corporation and at all times relevant to this action owned, operated, managed or otherwise controlled the Kraft Heinz facility located at 7388 Utica Blvd, Lowville, NY 13367.

4. The John Doe and Doe Legal Entities Defendants are other individuals who may be agents, servants, or employees of the named defendants, or persons and/or other entities involved in the maintenance, repair and/or cleaning of the Kraft Heinz Lowville facility.

### **III. CAUSES OF ACTION**

#### **A. CLAIM AGAINST DEFENDANT KRAFT HEINZ FOODS COMPANY**

5. On or about May 3, 2019, at approximately 9:00 a.m. or shortly thereafter, Plaintiff was an employee of Bell-Mark Corporation, and as such was a business invitee servicing business equipment at defendant Kraft Heinz's Lowville facility.

6. At that time and place, the floor in the area where plaintiff was working at the facility was wet, slippery and unsafe, without proper warning to the plaintiff, causing plaintiff to slip and fall on the wet, slippery floor, which caused plaintiff to sustain personal injuries.

7. Kraft Heinz, by and through its agents, servants or employees knew or should have known of the unsafe condition and breached its duty to plaintiff by failing to alleviate the unsafe condition or warn him of its danger.

8. As a result of Defendant Kraft Heinz Foods Company's failure to make sure its facility was in a safe condition before inviting plaintiff to perform his work, and/or their failure to provide him with proper notice of the unsafe condition, plaintiff suffered personal injuries.

#### **B. CLAIMS AS TO JOHN DOE, JANE DOE AND DOE LEGAL ENTITIES DEFENDANTS**

9. The John Doe, Jane Doe and Doe Legal Entities Defendants are other individuals who may be agents, servants, or employees of the named defendants, or other entities involved in the maintenance and/or cleaning of the floor of the facility where plaintiff was injured, and/or responsible for the maintenance and repair of equipment which caused or allowed the floor to become slippery and wet, or otherwise responsible for the dangerous condition of the work-space flooring.

10. As a result of these defendants' conduct or failure to act to prevent his injury, Plaintiff has and will continue to experience pain, suffering, disability, impairment, loss of enjoyment of life, financial damages, and was otherwise damaged.

11. The injuries sustained by plaintiff in this incident were proximately caused by the negligence of the defendants.

WHEREFORE, plaintiff demands judgment against the defendants for damages, prejudgment interest, costs of suit, and such other relief as shall be just, equitable and provided for by the laws of the United States of America and the State of New York.

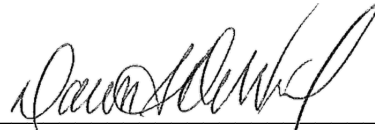
**IV. DEMAND FOR JURY**

Take notice that plaintiff demands a trial by jury as to all issues.

Dated: May 3, 2022

RUBENSTEIN, BERLINER & SHINROD, LLC  
Attorney for plaintiff Stephen Farruggio

BY:

  
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Dawn S. DeWeil, Esq.